[27th November 1928

Appendix III.

[Vide Item IV—A Bill to amend the Madras Abkari Act, 1886, at page 213 supra.]

at page 213 supra.

BILL No. 11 of 1928.

A Bill to amend the Abkari Act (I of 1886).

To

The Honourable the LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

We, the undersigned members of the Select Committee appointed to consider the Bill to amend the Madras Abkari Act, 1886 (Bill No. 11 of 1928), have the honour to submit the following report.

2. The Bill was published in the *Fort St. George Gazette* in English on the 25th September 1928.

3. The Committee met on the 9th November 1928 for the consideration of the Bill.

4. *Clause* 2.—As in several cases of seizure under the Madras Abkari Act, 1886, it may not be possible to follow the procedure laid down by the Code of Criminal Procedure for searches, the Committee are of opinion that the first of the paragraphs sought to be added by this clause to section 36 should be omitted.

As regards the second paragraph sought to be added to the same section, the Committee by a majority consider that in the case of searches under the provisions of this Act, the safeguard provided in section 103 of the Code of Criminal Procedure, viz., that the officer making the search shall call upon two or more respectable inhabitants of the locality to attend and witness the search, should be supplemented by a provision to the effect that the persons shall be other than an Abkari, Police or Village officer. The Committee have so worded the amendment as to make it a proviso to the existing section 36 instead of adding it as an explanation, and have also made some verbal changes in the amendment which are intended to bring its language into conformity with that of section 103 of the Code of Criminal Procedure.

27th November 1928]

Clause 3.—The Committee by a majority consider that there is no sufficient reason for discriminating between clubs and other sellers of liquor and that the amendment effected by Bombay Act IV of 1925 to the Bombay Abkari Act may be adopted in this Province also. They therefore accept clause 3.

5. A copy of the Bill as amended by the Select Committee is appended. The Committee consider it unnecessary to republish the Bill.

R. N. AROGYASWAMI MUDALIYAR.

S. MUTHIAH (subject to a note).

C. V. ANANTAKRISHNA AYYAR (subject to a note).

J. A. SALDANHA.

S. N. DORAI RAJAH (subject to a note).

A. B. SHETTY.

J. A. DAVIS (subject to a minute of dissent)

L. K. TULASIRAM.

G. HARISARVOTTAMA RAO.

R. SRINIVASAN.

K. R. KARANT.

K. UPPI.

K. KRISHNAN (subject to a minute of dissent).

D. S. S. EBRAHIM.

P. BHAKTHAVATHSALU NAYUDU.

W. O. WRIGHT (subject to a note).

B. S. MALLAYYA.

P. T. RAJAN (subject to a minute of dissent).

NOTE.

I think that abkari or village or police officers need not be altogether excluded. It will be enough if we say that two at least of the witnesses shall not be such officers. It will be enough if a fee is levied from clubs and it is not necessary to make all provisions of the Abkari Act applicable to them.

S. MUTHIAH.

9th November 1928.

W. O. WRIGHT.

12th November 1928.

NOTE.

I am against excluding altogether abkari, village and police officers. I think it is enough if two at least of the witnesses shall not be such officers. I am not for making all the provisions of the Abkari Act applicable to clubs at present.

C. V. ANANTAKRISHNA AYYAR.

9th November 1928.

NOTE.

I disagree with the majority with reference to clause 3. My opinion is that clause 3 should be omitted.

S. N. DORAI RAJAH.

9th November 1928.

MINUTE OF DISSENT.

I have voted against the amendment under clause 3 and approve of the rest of the proceedings.

J. A. DAVIS.

9th November 1928.

MINUTE OF DISSENT.

I do not agree to clause 3.

K. KRISHNAN.

9th November 1928.

MINUTE OF DISSENT.

I am not in favour of excluding village officers as witnesses. I am against applying provisions of the Act to clubs.

P. T. RAJAN.

17th November 1928.

LEGISLATIVE ASSEMBLY TRUTH ALONE TRIUMPHS

27th November 1928]

[The alterations made by the Select Committee are printed in Clarendon type.]

BILL No. 11 OF 1928.

(As amended by the Select Committee.)

A Bill to further amend the Abkari Act (I of 1886).

WHEREAS it is expedient to amend the Madras Abkari Act, 1886; and whereas the previous **sanction** of the Governor-General and **of** the Governor **has** been obtained to the passing of this Act; it is enacted as follows:— Preamble.

1. This Act may be called the Madras Abkari (Amendment) Act, 1928. Short title.

Act I of 1886. **2.** To section 36 of the Madras Abkari Act, 1886, the following **paragraph** shall be added, namely, Addition of a new paragraph to section 36 of the Madras Abkari Act, 1886.

"**Provided that the persons called upon to attend and witness any search under the provisions of this Act shall be persons other than an abkari, police or village officer.**"

Act I of 1886. **3.** To section 15 of the Madras Abkari Act, 1886, the following explanation shall be added:— Addition of an explanation to section 15 of the Madras Abkari Act, 1886.

"*Explanation.*—The supply of liquor by clubs to their members on payment of a price or of any fee or subscription is a sale within the meaning of this section."

LEGISLATURE LIBRARY
வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS